

may refile its motion to dismiss. If Plaintiff does not file an amended complaint, his original complaint, (Doc. No. 1-2), will remain the operative complaint, and Defendant's Motion to Dismiss, (Doc. No. 2), will remain the operative motion to dismiss.

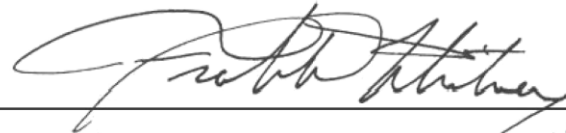
IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss for Failure to State a Claim as to Plaintiff's Amended Complaint, (Doc. No. 12), is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff may file his amended complaint **on or before February 19, 2025**.

The Clerk is respectfully **DIRECTED** to send a copy of this Notice and Order to Plaintiff's address of record.

IT IS SO ORDERED.

Signed: February 5, 2025



Frank D. Whitney
Senior United States District Judge

